

Bush v. Gore (2000)

“Who gets to be President?”

In 2000, Texas Governor George W. Bush (R) and Vice President Al Gore (D) were both running for President of the United States. The outcome of the election would depend on Florida, where Governor Bush led Vice President Gore by about 1,800 votes the morning after Election Day. Because the returns were so close, Florida law called for an automatic machine recount of voting ballots. The recount resulted in a dramatic tightening of the race, leaving Bush with a slim 327-vote lead out of almost 6 million ballots cast. With the race so close, Florida



law allowed Gore the option of "manual vote recounts" in the counties of his choosing. Gore chose manual recounts in four counties with widespread complaints of voting machine malfunction: Broward, Miami-Dade, Volusia, and Palm Beach. However, Florida law also required that the state's election results be certified by the Secretary of State, Katherine Harris, within seven days of the election (by November 14, 2000). Three of the four counties were unable to complete the process by the deadline.

The Argument



On November 16, both Vice President Gore and Palm Beach County went to The Florida Supreme Court to order that Secretary Harris must allow the counties until November 26 to finish their recounts. Miami-Dade County still did not meet the deadline, but on November 26th, Secretary Harris declared that Bush had won in Florida. The next day, Gore sued the secretary, arguing that the results were unlawful because the recount process was not yet complete. The Florida Supreme Court ruled on December 8th,

stating that all Florida voting ballots that were not counted by voting machines must be manually recounted. In many counties, machines did not count votes because of defects in punch-card ballots. Governor Bush appealed this decision to the U.S. Supreme Court.

The Decision

On December 12, 2000, the Supreme Court ruled 5-4 in favor of Governor Bush. They declared that the Florida Supreme Court's recount order was unconstitutional because it gave more protection to some voter's ballots than to others. This violated the 14th Amendment's Equal Protection Clause which forbids states from denying "to any person within their jurisdiction the equal protection of the laws."

So What?

With no time left to recount votes, George W. Bush was declared the winner of the election. For the first time in history, The Supreme Court's decision decided the outcome of a Presidential Election.